

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CYNTHIA BARCELO BLAKE,

No. C 07-2899 CW

Petitioner,

v.

ORDER GRANTING
RESPONDENT'S MOTION
TO DISMISS

SCHELIA A. CLARK,

Respondent.

Respondent Schelia Clark moves to dismiss as moot Petitioner Cynthia Blake's petition for a writ of habeas corpus. The petition challenges a Bureau of Prisons (BOP) regulation, 28 C.F.R. § 570.21, that limits an inmate's placement in a residential reentry center (RRC)¹ to the last ten percent or six months of his or her sentence, whichever is shorter. Petitioner claims that this policy is contrary to 18 U.S.C. § 3621(b), which governs the placement of inmates in BOP custody. The petition seeks an order directing the BOP to consider Petitioner's appropriateness for transfer to an RRC based on the factors set forth in § 3621(b).

On September 11, 2007, while this action was pending,

¹RRCs are also known as community corrections centers or, colloquially, halfway houses.

1 Petitioner's sentence was reduced by her sentencing judge. On
2 September 13, the BOP determined that Petitioner had completed her
3 sentence and released her from custody. Respondent subsequently
4 filed a motion to dismiss the petition as moot.²

5 Because Plaintiff's release from BOP custody is a result more
6 favorable than the relief sought in the petition, there is no
7 longer a live controversy before the Court. See Mitchell v.
8 Dupnik, 75 F.3d 517, 528 (9th Cir. 1996). Accordingly, the Court
9 GRANTS Respondent's motion to dismiss the petition as moot. The
10 clerk shall enter judgment for Respondent and close the file.

11 IT IS SO ORDERED.

12
13 Dated: 12/11/07



14 CLAUDIA WILKEN
15 United States District Judge
16
17
18
19
20
21
22
23
24

25 ²Petitioner has not filed an opposition to Respondent's
26 motion, despite being given an extension of time to do so. In
27 addition, mail sent to Petitioner by the Court was returned as
28 undeliverable, and Petitioner has not informed the Court of a
change of address.

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

CYNTHIA BARCELO BLAKE,

Plaintiff,

v.

SCHELIA A. CLARK et al,

Defendant.

Case Number: CV07-02899 CW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on December 11, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Cynthia Barcelo Blake 14927-097
Federal Prison Camp - Dublin
5675 8th Street
Camp Parks
Dublin, CA 94568

Dennis Matthew Wong
U.S. Attorney's Office
450 Golden Gate Avenue
San Francisco, CA 94102

Dated: December 11, 2007

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk

United States District Court
For the Northern District of California